

RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate the following enrolled resolutions:

H.C.R. 46

H.C.R. 48

H.C.R. 56

H.C.R. 58

H.C.R. 59

H.C.R. 74

H.C.R. 81

H.C.R. 83

MEMORIAL RESOLUTIONS

S.R. 157 - By Brooks: Memorial resolution for Mrs. Patti Harriet Fox Swann.

S.R. 158 - By Parmer: Memorial resolution for James A. Williams.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 3:03 o'clock p.m. adjourned until 9:15 o'clock a.m. tomorrow.

TWENTY-NINTH DAY

(Thursday, February 28, 1985)

The Senate met at 9:15 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Whitmire, Williams.

Absent-excused: Glasgow, Santiesteban, Washington.

A quorum was announced present.

Senator Kent Caperton offered the invocation as follows:

Dear Lord, we thank You for the blessings that You have given us. We ask You to be with us as we enter into our responsibilities this day, and we hope that we live our lives as You would have us do. In Jesus' name we pray. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Washington was granted leave of absence for today on account of illness on motion of Senator Whitmire.

Senator Glasgow was granted leave of absence for today on account of important business on motion of Senator Lyon.

Senator Santiesteban was granted leave of absence for today on account of important business on motion of Senator Jones.

MESSAGE FROM THE HOUSE

House Chamber
February 28, 1985

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

The House has granted the request of the Senate for an appointment of a Conference Committee on **S.B. 306**.

House Conferees: Rudd: Chairman, Wolens, McWilliams, Hollowell, Ashley Smith.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

REPORT OF STANDING COMMITTEE

Senator Santiesteban submitted the following report for the Committee on Natural Resources:

S.B. 272
S.B. 229
C.S.S.B. 464

ESCORT COMMITTEE APPOINTED

In accordance with the provisions of **H.C.R. 41**, the President announced the appointment of the following as a Committee to Escort Governor Mark White to the Joint Session: Senators Howard, Lyon, Truan, Uribe, Williams.

SENATE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution were introduced, read first time and referred to the Committee indicated:

S.B. 641 by Krier Intergovernmental Relations
Relating to authorizing cities, towns and villages to use or permit certain uses of the right-of-way of certain public streets for trees and decorative landscaping, sidewalk cafes, ornamental entrance facilities, structures of historic buildings and bus shelters, drinking fountains and other amenities for the convenience of the public; providing that permits may be issued for such uses of the public streets; providing for the adoption of ordinances in furtherance of such uses and permits; declaring such permit programs and uses to be governmental functions; and declaring an emergency.

S.B. 642 by Henderson State Affairs
Relating to the authority of the State Department of Highways and Public Transportation to acquire certain property for scenic preservation.

S.B. 643 by Henderson Intergovernmental Relations
Amending Article 4477-9a, Sec. 5.01(1) of Vernon's Civil Statutes relating to abandoned motor vehicles; and declaring an emergency.

S.B. 644 by Barrientos, Washington State Affairs
Relating to preservation of the view of the State Capitol and to a private right of action for injunctive relief for a violation.

S.B. 645 by Farabee State Affairs
Relating to reporting of contributions in campaigns for judicial office; adding Subsection (C-2) to Section 243 of the Texas Election Code, as amended (Article 14.07, Vernon's Texas Election Code).

- S.B. 646** by Farabee State Affairs
Relating to prekindergarten programs in public schools.
- S.B. 647** by Krier Criminal Justice
Relating to a defendant's waiver of trial by a jury and to a defendant's right to determine whether the judge or the jury shall assess the punishment in a criminal case.
- S.B. 648** by Traeger State Affairs
Relating to an increase in certain annuities payable by the Employees Retirement System of Texas.
- S.B. 649** by Traeger Intergovernmental Relations
Relating to the creation of the County Court at Law of Starr County.
- S.B. 650** by Parker State Affairs
Relating to exempting pension benefits from forced sale for the payment of debts.
- S.B. 651** by Brooks Health and Human Resources
Relating to the fees charged for the regulation and licensing of funeral directing and embalming by the State Board of Morticians.
- S.B. 652** by Brooks State Affairs
Relating to the offense of public intoxication.
- S.B. 653** by Brooks State Affairs
Relating to secondary mortgage loans.
- S.B. 654** by Uribe State Affairs
Relating to a three-year moratorium on the payment of certain unemployment compensation taxes for employers adversely affected by a recent public calamity.
- S.B. 655** by Brooks Health and Human Resources
Relating to membership on a hospital medical staff.
- S.B. 656** by Brooks Health and Human Resources
Amending Section 3 of Chapter 372, Acts of the 58th Legislature, Regular Session, 1963, as added by Chapter 568, Acts of the 61st Legislature, Regular Session, 1969 (Section 3, Article 4447d, Vernon's Texas Civil Statutes) relating to the confidentiality of certain records of committees of hospitals and medical organizations; and declaring an emergency.
- S.B. 657** by Truan Education
Relating to standardized tests used by public educational institutions.
- S.B. 658** by Truan Education
Relating to transcripts of high school students and to a uniform high school graduation program.
- S.B. 659** by Truan Education
Relating to transcripts for reporting the academic achievement records of students in advanced and lower level high school programs and to information for the parents or guardians of students about advanced and lower levels of certain school courses.
- S.B. 660** by Parmer, Lyon Health and Human Resources
Relating to certain proceedings affecting the parent-child relationship; amending Subsection (a), Section 11.21, Family Code.
- S.C.R. 57** by Lyon Education
Directing the Commission on Standards for the Teaching Profession and the State Board of Education to require, for teacher certification, training in recognizing and responding to signs of child abuse.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
February 27, 1985

**TO THE SENATE OF THE SIXTY-NINTH LEGISLATURE,
REGULAR SESSION:**

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE MEMBERS OF THE CENTRAL COLORADO RIVER AUTHORITY:

For a term to expire February 1, 1989:

ROY D. YOUNG
Route 1, Box 24
Burkett, Texas 76828

(Mr. Young is replacing Mr. Clyde Thate of Burkett, Coleman County, Texas, who is deceased.)

For a term to expire February 1, 1991:

JIM BOB THWEATT
Route 1
Coleman, Texas 76834

(Mr. Thweatt is replacing Mr. Ralph Edens of Talpa, Coleman County, Texas, who is deceased.)

For a term to expire February 1, 1989:

BAKER RUDOLPH
901 Galveston
Coleman, Texas 76834

(Mr. Rudolph is replacing Mr. A. D. Pettit of Santa Anna, Coleman County, Texas, who is deceased.)

TO BE A MEMBER OF THE PARKS AND WILDLIFE COMMISSION:

For a term to expire February 1, 1991:

EDWIN L. COX, JR.
Valley View Ranch, Route 7
Athens, Texas 75751

(Mr. Cox is being reappointed.)

TO BE A MEMBER OF THE FINANCE COMMISSION OF TEXAS:

For a term to expire February 1, 1991:

D. GENE PHELPS
31103 Uirich
Tomball, Texas 77375

(Mr. Phelps is replacing Mr. B. Hutch Carter of Euless, Tarrant County, Texas, who resigned.)

Respectfully submitted,
/s/Mark White
Governor of Texas

RECESS

On motion of Senator Brooks and by unanimous consent, the Senate at 9:21 o'clock a.m. took recess until the conclusion of the Joint Session today.

JOINT SESSION

(To hear address of the Honorable George Bush, Vice-President of the United States)

The President announced that the hour for the Joint Session of the two Houses to hear the address of Vice-President George Bush, pursuant to the provisions of H.C.R. 41, had arrived.

Accordingly, the Senators present, accompanied by the Secretary of the Senate and the Sergeant-at-Arms, repaired to the Hall of the House of Representatives.

The President was announced and, on invitation of the Speaker, occupied a seat on the Speaker's Rostrum.

The Senators were announced and were admitted and escorted to seats prepared for them along the aisle.

The Honorable Mark White, Governor of the State of Texas, was announced by the Doorkeeper and escorted to the Speaker's Rostrum by Senators Howard, Truan, Uribe, Williams and Lyon on the part of the Senate and Representatives Gilley, Armbrister, O. Garcia, Dutton and Melton on the part of the House.

The Honorable George Bush was announced and escorted to the Speaker's Rostrum by Senators Blake, Brown, Harris, Henderson, Krier, Leedom and McFarland on the part of the Senate and Representatives Craddick, Ceverha, Emmett, Givens, Geistweidt, Agnich, Yost, Smithee, Shea, Richardson, Jones, McKenna, Schoolcraft, Roberts, Hilbert and A. Smith on the part of the House.

The President called the Senate to order and announced a quorum of the Senate present.

The Speaker of the House, the Honorable Gib Lewis, called the House to order, announced a quorum present and stated the purpose of the Joint Session.

Speaker Lewis introduced platform guests, his wife Sandra and the Honorable Mark White, Governor of Texas.

Speaker Lewis then introduced Representative Ed Emmett who presented Vice-President George Bush to the Joint Session.

The Honorable George Bush, Vice-President of the United States, addressed the Joint Session.

AT EASE

The President announced the purpose of the Joint Session had been accomplished and at 9:50 o'clock a.m. the Senate would stand At Ease until their return to the Senate Chamber, in accordance with a motion previously adopted in the Senate.

AFTER RECESS

The Senate was called to order by the President at 10:10 o'clock a.m.

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The President announced the time had arrived to consider the Executive appointments to agencies, boards and commissions. Notice of submission of these names for consideration was given yesterday by Senator Howard.

Senator Howard moved confirmation of the nominees reported yesterday by the Committee on Nominations.

The President asked if there were requests to sever nominees.

There were no requests offered.

NOMINEES CONFIRMED

The following nominees as reported by the Committee on Nominations were confirmed by the following vote: Yeas 27, Nays 0.

Absent: Sarpalius.

Absent-excused: Glasgow, Santiesteban, Washington.

Members, Board of Regents, Texas A&M University: JOHN MOBLEY, Travis County; ROYCE E. WISENBAKER, Smith County.

State Auditor: LAWRENCE F. ALWIN, Harris County.

Members, Texas Water Development Board: STUART SINCLAIR COLEMAN, Brown County; GLEN E. RONEY, Hidalgo County.

Members, State Board of Plumbing Examiners: JAY LEE DRYMALLA, Colorado County; MARIO ESTRADA, Bexar County; MERVIN PHLEGM, Harris County.

Members, Texas Public Building Authority: GERALD J. GOFF, Travis County; GLEN A. HEFNER, Harris County; MARILYN JONES, Bexar County.

Member, Texas 1986 Sesquicentennial Commission: BEVERLY CUMMINGS, Harris County.

Member, Texas Board of Corrections: RUBEN MONTEMAYOR, Bexar County.

Members, Texas County and District Retirement System Board of Trustees: JOHN P. GAYLE, JR., Brazoria County; JUDGE JACK TREADWAY, Harris County.

Members, Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids: RICHARD C. DURBIN, Rockwall County; CARL McGOVERN, Hidalgo County.

Members, Home Health Services Advisory Council: HILARY CONNOR, M.D., Travis County; MAURICE B. SHAW, Travis County.

Member, Texas National Guard Armory Board: V. C. EISSLER, Harris County.

Member, Texas Board of Licensure for Nursing Home Administrators: JEAN TREBERT, Dallas County.

Member, Pilot Commission for the Port of Galveston and Texas City: DANIEL PEREZ, Galveston County.

Member, Polygraph Examiners Board: JAMES E. HOOD III, Dallas County.

SENATE BILL 392 ON SECOND READING

On motion of Senator Leedom and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 392, Relating to criminal complaints for certain traffic offenses.

The bill was read second time and was passed to engrossment.

SENATE BILL 392 ON THIRD READING

Senator Leedom moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 392** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent: Sarpalius.

Absent-excused: Glasgow, Santiesteban, Washington.

The bill was read third time and was passed.

SENATE CONCURRENT RESOLUTION 55 ON SECOND READING

On motion of Senator Uribe and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to consider at this time on its second reading:

S.C.R. 55, Proclaiming that the people of the State of Texas stand in solidarity with Soviet Jewry.

The resolution was read second time and was adopted.

SENATE BILL 374 ON SECOND READING

On motion of Senator Jones and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 374, Relating to the exemption from use taxes for certain property acquired outside the state and used in this state as a licensed and certificated carrier.

The bill was read second time and was passed to engrossment.

SENATE BILL 374 ON THIRD READING

Senator Jones moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 374** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent: Sarpalius.

Absent-excused: Glasgow, Santiesteban, Washington.

The bill was read third time and was passed.

SENATE BILL 449 ON SECOND READING

On motion of Senator Leedom and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 449, Relating to the deposit, investment, and management of county funds and to the imposition of certain handling charges involving county funds or funds held in trust by a county or district clerk.

The bill was read second time.

Senator Leedom offered the following amendment to the bill:

Amend **S.B. 449** by striking SECTION 5 in its entirety and inserting in lieu thereof the following:

"SECTION 5. Chapter 14, General Laws, Acts of the 41st Legislature, 4th Called Session, 1930 (Article 2558a, Vernon's Texas Civil Statutes), is amended by adding Section 4c to read as follows:

Sec. 4c. (a) To offset the expense of handling District Clerk and County Clerk Trust Funds for the benefit of litigants in civil proceedings, a county may collect from the non-prevailing party in the litigation or from the party the court shall designate:

(1) Twenty-five Dollars (\$25) for each transaction of Five Thousand Dollars (\$5,000) or less; and

(2) Fifty Dollars (\$50) for each transaction of more than Five Thousand Dollars (\$5,000).

(b) Funds collected under this section shall be deposited by the County Treasurer in the General Fund of the county.

The amendment was read and was adopted.

On motion of Senator Leedom and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 449 ON THIRD READING

Senator Leedom moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 449 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent: Sarpalius.

Absent-excused: Glasgow, Santiesteban, Washington.

The bill was read third time and was passed.

SENATE BILL 221 ON SECOND READING

On motion of Senator Williams and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 221, Relating to the transfer of certain property to, and the registration of certain vehicles of, the Civil Air Patrol, Texas Wing.

The bill was read second time and was passed to engrossment.

SENATE BILL 221 ON THIRD READING

Senator Williams moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 221 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent: Sarpalius.

Absent-excused: Glasgow, Santiesteban, Washington.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0. (Same as previous roll call)

SENATE BILL 329 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 329, Relating to the annual report of the Texas Department of Human Resources.

The bill was read second time and was passed to engrossment.

SENATE BILL 329 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 329 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent: Sarpalius.

Absent-excused: Glasgow, Santiesteban, Washington.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 185 ON SECOND READING

On motion of Senator Brown and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 185, Relating to creating the offense of carrying a deadly weapon while an inmate in a penal institution.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 185 ON THIRD READING

Senator Brown moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 185** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Glasgow, Santiesteban, Washington.

The bill was read third time and was passed.

MESSAGE FROM THE HOUSE

House Chamber
February 28, 1985

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.C.R. 36, In memory of Dr. Walter W. Kemmerer, Jr.

S.C.R. 44, Commending the American Cancer Society, Texas Division, for its noteworthy contributions to cancer care activities.

S.B. 53, Relating to the establishment of the Texas Cancer Council and its relationship to the Texas Department of Health. (Amended)

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

GUEST PRESENTED

Senator Harris was recognized and introduced the Capitol Physician for the Day, Dr. George Mekker of Carrollton.

The Senate expressed their appreciation to Dr. Mekker.

SENATE CONCURRENT RESOLUTION 19 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to consider at this time on its second reading:

S.C.R. 19, Requesting the 69th Legislature to urge cooperation of all State agencies with the Legislative Task Force on Cancer in Texas.

The resolution was read second time and was adopted.

SENATE CONCURRENT RESOLUTION 20 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to consider at this time on its second reading:

S.C.R. 20, Requesting the Texas Department of Health to assess participation in the statewide cancer registry.

The resolution was read second time and was adopted.

COMMITTEE SUBSTITUTE SENATE BILL 301 ON SECOND READING

On motion of Senator Barrientos and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 301, Relating to the lease of certain state-owned land by the Texas Board of Mental Health and Mental Retardation for use by the Austin-Travis County Mental Health Mental Retardation Center.

The bill was read second time.

Senator Barrientos offered the following amendment to the bill:

Amend **C.S.S.B. 301**, SECTION 2, by striking the words "VOLUME 76" where they appear on line 55 of page 1 and substituting "VOLUME 75".

The amendment was read and was adopted.

On motion of Senator Barrientos and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 301 ON THIRD READING

Senator Barrientos moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 301** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Glasgow, Santiesteban, Washington.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

SENATE BILL 628 REREFERRED

On motion of Senator Caperton and by unanimous consent, **S.B. 628** was withdrawn from the Committee on Criminal Justice and rereferred to the Committee on State Affairs.

SENATE RULE 74a SUSPENDED

On motion of Senator Brooks and by unanimous consent, Senate Rule 74a was suspended as it relates to the House amendment to **S.B. 53**.

SENATE BILL 53 WITH HOUSE AMENDMENT

By unanimous consent, Senator Brooks called **S.B. 53** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.
Committee Amendment No. 1 - Millsap

Amend **S.B. 53** as follows:

(1) On page 3, between lines 6 and 7, add a new Section 3 to read as follows:

SECTION 3. APPLICATION OF SUNSET ACT. The Texas Cancer Council is subject to the Texas Sunset Act (Article 5429k, Vernon's Texas Civil Statutes). Unless continued in existence as provided by that Act, the council is abolished and this Act expires September 1, 1997.

(2) Renumber existing Sections 3-10 accordingly.

The amendment was read.

Senator Brooks moved to concur in the House amendment.

The motion prevailed.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.C.R. 58 - By Henderson: Expressing sincere appreciation to Mrs. Donna Shults.

S.R. 159 - By Henderson: Extending congratulations to Jeffrey L. Jones.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 10:43 o'clock a.m. adjourned until 11:00 o'clock a.m. Monday, March 4, 1985.

THIRTIETH DAY (Monday, March 4, 1985)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Washington, Williams.

Absent-excused: Uribe, Whitmire.

A quorum was announced present.

Senator Gonzalo Barrientos offered the invocation as follows:

This day O Lord:
Give us courtesy;
Give us meekness of bearing,
with decision of character;
Give us charity;
Give us sincerity of speech;
Give us diligence in our
allotted task. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of Thursday, February 28, 1985, was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Whitmire was granted leave of absence for today on account of illness on motion of Senator Sharp.

Senator Uribe was granted leave of absence for today on account of important business on motion of Senator Edwards.